UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,636	02/11/2002	Ben Avison	BAI525-470/01651	4543

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EXAMINER
SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
07/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/073,636	AVISON, BEN
	Examiner	**Art Unit**
	Annan Q. Shang	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 April 2007</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-12</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-12</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

With respect to claims 1-12, rejected under 35 U.S.C. 102(e) as being anticipated by **Zdepski et al (6,45,738),** Applicant amends claims and further argues that the prior art of records does not teach the amended claims limitations (see page 5+ of Applicant's Remarks).

In response, Examiner disagrees. Examiner notes Applicant's arguments, however, the amended claims limitations reads 'setting the required buffer memory size at a level so as to "substantially" accommodate data for a single I frame.' Which implies setting enough memory to hold data for one I frame. Hence the disclosure in Zdepski, i.e., extracting I frames and setting memory at a level to hold several I frames data (fig.6, col.4, lines 37-60, col.7, lines 30-41, col.8, line 33-col.9, line 3 and col.11, line 48-col.12, line 56), reads on the amended claims limitations, i.e., "...substantially accommodating data for single I frame." Furthermore the "...largest fames of video data...I frames..." is inherent with MPEG files, since that's the frame with the least amount of compression. Hence the amended claims limitations do not overcome the prior art of records as discussed below. **This office action is made final.**

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office

action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by

Zdepski et al (6,45,738).

As to claim 1, note the **Zdepski** reference figures 1-2, discloses system and

method for creating trick play video streams from a compressed normal play video

bitstream and further discloses a method for generating and processing data for the

display of a stream of video data on a display screen connected to data processing

apparatus, the method comprising the steps of:

Processing a motion picture expert group compliant data stream of video data

selected to be view by a user in a first format (normal play) via the apparatus 60, the

largest frames of the video data known as I frames (col.6, line 34-col.7, line 3 and lines

20-29);

Generating an altered format for the video data (col.7, lines 30-54 and col.8, lines

14-42);

A user selecting with selection means (fig.1) to select to view the video data in the altered format (trick play, fast forward or rewind); and following the user selection of the alternated format identifying the required level of data to be held in a buffer memory (Memory Stack) in the apparatus prior to decoding a first frame of the video data for the alternative format, setting the required buffer memory size at a level so as to substantially accommodate data for a single I-frame and displaying of the first frame of data for fast forward or fast cue display (figs.4-6, col.8, line 33-col.9, line 13, col.10, line 14-col.11, line 45, line 48-col.12, line 1+)

As to claim 2, Zdepski further discloses where the determined buffer memory size is used in identify a value of the separation of the encoded frames in the video data bitstream and this value is used as a substitute for various header field values of the MPEG data stream which may be unavailable (col.10, line 14-col.11, line 45, line 48-col.12, line 1+).

Claim 3 is met as previously discussed with respect to claim 1.

As to claim 4, Zdepski further discloses wherein the determination of the required buffer memory size is made for the largest frames of the video data known as the I-frames (col.7, lines 13-41, col.8, lines 1-62 and col.9, line 15-col.10, line 1+).

As to claim 5, Zdepski further discloses wherein the required buffer memory data level is set at a value to minimize delay in the transition between the generation of video from the normal and altered video formats (col.7, lines 13-41, col.8, lines 1-62 and col.9, line 15-col.10, line 1+).

As to claim 6, Zdepski discloses where the level of the buffer memory data estimated by reference to time stamp data transmitted as part of the video data (col.7, lines 13-41 and col.10, line 14-58).

As to claim 7, Zdepski further discloses wherein the time stamp data is carried as part of the systems layer and allows data in the other levels to be time synchronized by referring to and retrieving a common reference time from said time stamp data (col.7, lines 13-41 and col.10, line 14-58).

As to claim 8, Zdepski discloses the use of the time stamp data to estimate the size of the I-frame data and hence the required video buffer memory data level (col.7, lines 13-41 and col.10, line 14-58).

As to claim 9, Zdepski discloses where the video data, having been transmitted from a location remote to the apparatus is received by the apparatus (col.6, lines 33-45 and col.7, lines 13-29).

As to claim 10, Zdepski further discloses where the apparatus is a broadcast data receiver connected to receive data from a broadcaster (col.6, lines 33-45 and col.7, lines 13-29).

As to claim 11, the claimed "A method of generating a video display in a first standard motion picture expert group format and a second user selectable fast forward or fast cue format, the method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

Claim 12 is met as previously discussed with respect to claim 6.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Christopoulos et al (2001/0047517) disclose method and apparatus for intelligent transcoding of multimedia.

Moroney (6,532,593) discloses transcoding for consumer ST-storage application.

Kalra et al (6,490,627) disclose method and apparatus that provides a scalable media delivery system.
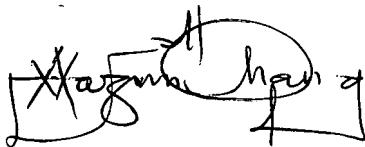
5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free).** If you would like assistance from **a USPTO Customer Service Representative** or access to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.**

Annan Q. Shang